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18		United States Bankruptcy Court	
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22		7227 N. 16th Street Suite #207	
23		Phoenix, AZ 85020 (973)406-2250	
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PG&E Corporation and Pacific Gas and Electric Company 1 SAN FRANCISCO, CALIFORNIA, WEDNESDAY, JULY 28, 2021, 10:00 AM 2 -000-3 (Call to order of the Court.) 4 THE CLERK: Court is now in session. The Honorable 5 Dennis Montali presiding. Calling the matter of PG&E 6 Corporation. 7 MR. RICHARDS: Yeah, this is Darwin Richards 8 representing SDRI. 9 THE COURT: Okay. Good morning, Mr. Richards. 10 is Judge Montali. Wait one second until we come to you. 11 MR. RICHARDS: Okay. 12 THE COURT: Mr. Rupp or Ms. Kim, are you appearing for 13 the company today? 14 MR. RUPP: Good morning, Your Honor. Thomas Rupp of 15 Keller Benvenutti Kim on behalf of the reorganized debtors. 16 THE COURT: All right. We have some unidentified 17 quests on the call. 18 Is Mr. Chappell on the call? Mr. Lamont Chappell? 19 Mr. Rupp, have you heard from Mr. Chappell? 20 MR. RUPP: Your Honor, I sent the dial-in information 21 to Mr. Chappell yesterday morning and he did respond saying, 22 "Okay". He had received it. That was my exchange. 23 THE COURT: Okay. One more call. We have at least 24 four persons on the call who haven't identified themselves. Is 25 Mr. Lamont Chappell regarding claim number 9946 on the call?

PG&E Corporation and Pacific Gas and Electric Company All right.

Mr. Rupp, it appears -- well, he's not here and your explanation of the company's position about Mr. Chappell's claim is well taken and he seems to have -- he can assert whatever rights he has but not under this bankruptcy claim objection procedure, so I am prepared to sustain the objection and just leave it at that. So do you want more than that or do you want to take care of anything further -- anything more?

MR. RUPP: I believe that's it, Your Honor. We'll upload an order.

THE COURT: Okay. All right. The only other matter we have then is Mr. Richards. Mr. Richards, would you again state your appearance?

MR. RICHARDS: Yes. Darwin E. Richards representing Symmetry Device Research, SDRI.

THE COURT: Well, actually you're representing yourself, aren't you? The research is the company, you're not an attorney, are you?

MR. RICHARDS: Well, you -- well, no, not now. They got rid of my attorney, you know, the Charles --

21 THE COURT: Yes, but --

22 MR. RICHARDS: -- King.

THE COURT: -- what you have to understand is as an individual, you've asserted a claim and you're entitled to be heard. If you're asserting a claim on behalf of a non-

PG&E Corporation and Pacific Gas and Electric Company 1 individual, more typically a corporation or a partnership, you 2 cannot argue unless you're an attorney but I am --3 MR. RICHARDS: Oh, I understand, sir. THE COURT: I'm accepting that you're on your own but 4 5 the company has --6 MR. RICHARDS: Okay. 7 THE COURT: -- laid out a pretty persuasive reason why 8 your claim should be disallowed. Do you want to add anything 9 to that or explain why you disagree with the company? 10 MR. RICHARDS: Well, as representing myself, I've been 11 in the energy business since 1979 as an electrical contractor 12 and I have been trying to get help from the government, the 13 State Attorney General. 14 THE COURT: No, hold on, hold on, hold on. I know 15 that. My point is the company -- PG&E's response is your claim 16 is barred, it's untimely and also has been disposed of in a 17 related matter in another court. I just want to know if you 18 have any -- how you're going to get around that? 19 MR. RICHARDS: Well, Your Honor, I am not an attorney, 20 you know, but I -- but the documentation that I submitted, you 21 know, shows where I have been treated unfairly even by the 22 courts and I --23 THE COURT: Well, I can't help you with unfair

fair treatment in this court but --

treatment by other courts. I have to do my best to give you a

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PG&E Corporation and Pacific Gas and Electric Company

1 MR. RICHARDS: Um-hmm.

THE COURT: -- do you understand what the statute of limitations means?

MR. RICHARDS: Yes. Yes, I do but I don't -- I don't see how that could apply to me in representing myself for the things that I --

THE COURT: Tell me why --

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8 MR. RICHARDS: -- have tried --

THE COURT: -- you think that's so. In other words, the event that you complained about happened some years ago. So if they happened some years ago, that started a clock ticking for when you had to assert those claims and from the way the company has laid out its position, that time has run under any characterization of the applicable law. So I want you to tell me -- I understand you're not an attorney but that's not the point. The rules work against attorneys and nonattorneys.

MR. RICHARDS: Um-hum.

19 THE COURT: So why do you think the company's argument 20 should be rejected?

MR. RICHARDS: I -- I -- I think that the statutes of limitations should be rejected, you know, based upon, you know -- you know, my, you know, consistency in trying to work, you know, with the -- the legal system and -- and other, you know, entities and -- and private entities to -- to bring

PG&E Corporation and Pacific Gas and Electric Company about, you know, fair resolution. I tried to -- I met with PG&E a number of times, not suing them because they -indirectly, they -- they -- they were responsible but the City of Richmond was mostly responsible, see and so when, you know, the issue was they knew that I had a legitimate contract and that they violated the -- the contractual agreements and -- and I've been consistent in trying to -- you know, within the community to bring about the kind of service to the community that would be beneficial. I don't think that the statutes of limitations should be against me, there's the letter of the law, the spirit of the law and I think that under -- under those -- that situation, I -- I should be given a -- you know, a fair treatment, you know, and what was done to me, they -- they stole from me, committed fraud and that's --THE COURT: Okay. MR. RICHARDS: -- that's the, you know --THE COURT: Okay. I understand. I am going to call on Mr. Rupp to respond but I do note that Mr. Chappell has now joined the call. So Mr. Chappell, be patient, we'll come back to you in a moment. Mr. Rupp, do you want to respond to Mr. Richards' argument?

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our presentation in the reply brief we filed on the 21st.

MR. RUPP: Yes, Your Honor. I feel that we've made

PG&E Corporation and Pacific Gas and Electric Company 1 Essentially these -- Mr. Richards' claims assert that these are 2 from events from around the 1997 to 1998 time frame, much longer than any statute of limitations that could apply here 3 4 for a petition date of January 29th, 2019 and also to the 5 extent that he did file an action against the City of Richmond, 6 this was around 2010 and it was already adjudicated by the 7 California Superior Court and then the Court of Appeals and 8 then his petition for rehearing was rejected by the Supreme 9 Court or his petition for review was rejected by the Supreme 10 Court, in part, on his claims being barred by the applicable statute of limitations. 11 12 So we think that's fairly clear and it's been made 13 fairly clear by Mr. Richards' own filings and his proofs of 14 claims and his response. 15 THE COURT: Okay. 16 MR. RICHARDS: Your Honor? 17 THE COURT: Mr. Richards, I --18 MR. RICHARDS: Your Honor, I --19 THE COURT: -- go ahead --20 MR. RICHARDS: -- the -- your --21 THE COURT: -- and give a brief answer to 22 (indiscernible) Mr. Richards. 23 MR. RICHARDS: I'm registered with the Federal Energy 24 Regulatory Commission and I was -- since I didn't -- I was representing myself, I didn't -- as you said before, I can't 25

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PG&E Corporation and Pacific Gas and Electric Company
use the corporation because I -- they -- they got rid of my
attorney because, you know, I'm a small disadvantaged business
and I've been trying to get support legally from many entities
as I could do that but the system has said I had a legitimate
contract. I said I have a copy of that contract which was --
which was violated but the system has basically said, you
because of who you are, cannot be in this business, see. And
if --
         THE COURT: Mr. Richards, I --
         MR. RICHARDS: -- you look at (indiscernible).
         THE COURT: -- am going to cut you off because I'm
sympathetic what you're complaining about. There's nothing I
can do about it. The statute of limitations are pretty certain
and pretty unforgiving and in some very, very specific areas of
the law, particularly in the criminal law, there are some
crimes like murder that -- for which there's no statute of
limitations. This is not a criminal matter, this is a civil
dispute and most --
         MR. RICHARDS: And I understand that, Your Honor but
there are some things --
         THE COURT: -- there's a (indiscernible).
         MR. RICHARDS: -- but --
         THE COURT: No, you have to let me finish, sir.
         MR. RICHARDS: Okay.
         THE COURT: Mr. Richards, I've read the papers.
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PG&E Corporation and Pacific Gas and Electric Company read all of the matters you've submitted. The system may have failed you but I can't change the system. I am a low level -- a lower level court in a federal judicial system that is bound to consider the merits and including defenses on applicable law and the applicable law for your complaint and what you're unhappy about is --

MR. RICHARDS: Let me ask you a question, Your Honor.

THE COURT: -- you have to let me finish.

MR. RICHARDS: Okay.

THE COURT: It's California law and there are various statutes of limitations depending upon the nature of your theory and you don't come even close to any of those -- on the favorable side of any of those deadlines. So I have really no choice, I may -- at a personal level, I may feel sorry and sympathize with you but I don't have a choice.

The company is in bankruptcy. In bankruptcy, the bankruptcy court is bound by Supreme Court precedent to apply nonbankruptcy law by way of defenses. PG&E has said my defense for Mr. Richards' claim is, among other things, it's barred by the statute of limitations and they've made the argument.

So I don't want to cut you off but I don't want to give you a false sense of hope here. I have no choice and I'm going to sustain their objections, the company's objections.

MR. RICHARDS: Well, why did they contact me, Your Honor after, you know, I'm going around, you know, trying to

PG&E Corporation and Pacific Gas and Electric Company reestablish my business after they destroyed it and then I -- I get data, you know, from the California Energy Commission and the California Public Utilities Commission, they're always increase -- you know, right now my bill has went from under forty bucks to over seventy-seven dollars now but it's -- you know, for PG&E that gets all the benefits, they can circumvent everything, you know, even under the statutes of limitations but they -- they made an issue, they offered me ridiculously money, the -- the -- under arbitration, you know and that was an insult to me.

THE COURT: Well, sir, I can't answer your question because the reason we have statute of limitations is to have

THE COURT: Well, sir, I can't answer your question because the reason we have statute of limitations is to have some finality and there are generous periods of time for persons to bring suit and that ends the statute of limitations issue. You didn't do so.

So again, it's not a question of right or wrong, it's a question of rules that must be complied with and --

MR. RICHARDS: So -- so what you're saying to me, Your Honor, is that when they sent me the information about -- about knowing who I was and my case, why would they do that if there --

22 THE COURT: I --

 $$\operatorname{MR.}$$  RICHARDS: -- if there was a time frame for which me to file the information that I sent to the Court?

THE COURT: Mr. Richards, I can't answer that

PG&E Corporation and Pacific Gas and Electric Company question. I can't do it. I don't -- my job is only to look at these defenses at this point. If there was no statute of limitations defense, I might very well have to go to the next step to determine what are the merits of your case versus the defenses.

The company has said and raised sort of as a preliminary matter, that said this claim is barred by the statute of limitations. They've laid out a --

MR. RICHARDS: Is that the only reason is that I -THE COURT: -- (indiscernible) -- they've laid out the
legal theory. I've given you an opportunity to respond and you
haven't persuaded me that the statute of limitations do not
constitute an adequate defense. So I have no choice. Again,
it's just an application of hard and fast rules and I don't
want to get into a further debate about it because that's not
the issue here today.

So I can't explain and can't answer your question about why people didn't do things or did do things. All we know is what didn't happen and what didn't happen is a timely lawsuit commenced by you or your company against PG&E or some other provision that would allow the statute not to apply. There's certainly under the law, there are times when parties who can avoid a lawsuit by agreeing to extend the deadline. That didn't happen here.

So I don't want to -- again, I don't want to turn this

PG&E Corporation and Pacific Gas and Electric Company into an endless debate. I have to sustain the company's objections.

The Court will issue an order that Mr. Rupp will serve on you and it will recite that for the reasons stated in this hearing on this record, I am sustaining the objections based upon the statute of limitations and --

MR. RICHARDS: Well, you don't -- you don't believe anything that I put in my documentation to you, Your Honor?

THE COURT: No, sir, it has nothing to do with belief.

What you didn't say is how you avoided the impact of the

statute of limitations. So I --

MR. RICHARDS: Your Honor --

THE COURT: -- in fact, the reverse, Mr. Richards.

I'm presuming that everything you said is true but what is also
true --

MR. RICHARDS: (Indiscernible).

I'm sorry, I am not going to -- I'm going to cut you off because this is not going to get us anywhere. I've given you the reason for my decision and if you don't accept that, you have remedies under the law and it's not for me to tell you what to do. Again, I don't want to personalize this. I have to apply a rule that is applicable here.

MR. RICHARDS: Your Honor, I mean, you know, you have the authority to -- to circumvent and not sustain the -- the --

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PG&E Corporation and Pacific Gas and Electric Company
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     these -- these other attorneys. They don't know nothing about
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     what I have been through and --
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              THE COURT: Mr. Richards, I am going to --
              MR. RICHARDS: -- you know, what you think --
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              THE COURT: -- (indiscernible) --
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              MR. RICHARDS: -- Your Honor, what you --
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              THE COURT: Sir, I am going to conclude the
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     conversation and I don't want to be rude but I will mute your
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     line if you continue this argument. I can't accommodate you
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     here, so I would like to just tell you what I have said and
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     leave it at that and not get into an argument about your view
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     of what these attorneys have done or what I have done. I can't
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     help you because of the reasons that I have explained.
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              So I see -- all right. I am going to go back to
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     Mr. -- so that concludes Mr. Richards' matter and Mr. Richards,
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     you'll be served with a copy of an order. As I say, you'll
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     have your remedies under the law if you believe there's
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     something else should happen.
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              Mr. Chappell, are you back on the call?
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              MR. CHAPPELL: I'm on the call. Can you hear me?
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              THE COURT: Okay. Yes, sir. Mr. Chappell, we've
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     disposed of your case but you joined us late, so let me tell
     you, did you have a response to the argument that PG&E set
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     forth about your claim being a post-petition claim?
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              MR. CHAPPELL: No, I -- the claim was submitted and --
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PG&E Corporation and Pacific Gas and Electric Company
THE COURT: No, do you know what the term post-

2 petition claim means?

3 MR. CHAPPELL: No.

THE COURT: Okay. What the papers that PG&E filed indicate that you claim that you had rights that came into existence in July of 2019 and if you do, you can assert them. You just can't assert them in this bankruptcy case. The date -- the claims that we're dealing with in this bankruptcy case and that I am as the bankruptcy judge have to deal with are claims that pre-date January 29th, 2019, it's what we call a pre-petition claim, all the major fire claims and a lot of the contract claims and so on.

You have asserted a claim that you believe occurred in July of 2019. So your remedy, if you have one, is in another court not in the bankruptcy court as a claim that PG&E is objecting to. So it's objecting on the grounds that you filed the claim based upon events that occurred subsequently and your remedy is elsewhere, in the state court system probably and you have a right, if you believe you're entitled to some recovery, you can assert your claim against the company but not in this bankruptcy case. So I am not saying you don't have a claim.

MR. CHAPPELL: Okay. I understand that.

THE COURT: I'm saying your claim is, as a timing matter, you filed it in the wrong place, that's all.

MR. CHAPPELL: Okay.

PG&E Corporation and Pacific Gas and Electric Company

1 THE COURT: Follow me?

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2 MR. CHAPPELL: I understand. Yes, thank you.

THE COURT: Okay. My suggestion, sir, to you is to consult with an attorney if you're inclined or able to and have an attorney advise you whether he or she believes you have a meritorious claim to assert directly against PG&E as though there were no bankruptcy, just assume that the company didn't file bankruptcy and what you complained about that occurred in July of 2019, you need to act and protect your rights but not in this court.

MR. CHAPPELL: Got it.

12 THE COURT: And --

MR. CHAPPELL: So thank you.

THE COURT: Okay. So before you came on the call, Mr. Rupp was -- I advised Mr. Rupp to add his characterization and you will be served with a form of an order that simply disallows the claim in the bankruptcy. Again, it's not -- there's not a determination that you don't have a claim or that you do have a claim. There's just no determination. It's just not in this court.

MR. CHAPPELL: Okay. Thank you.

22 THE COURT: All right. Thank you for your time.

23 All right. Is there anyone else on the call that
24 expects to be heard today because my calculation we've taken

care of the only matters on the docket for today?

PG&E Corporation and Pacific Gas and Electric Company 1 MR. HORTON: Yes, Judge. Judge Montali, my name is 2 Ricky Horton, claim number 87111, if I may speak? 3 THE COURT: Mr. Horton? Okay. And why do you think we're on for today for you? 4 5 MR. HORTON: I -- I received the omnibus objection by 6 the debtors' attorneys via email on June 18th and I did reply, 7 although it was after the -- the deadline but I replied to the 8 debtors' attorneys, as well as I just filed and uploaded the 9 document that gives my reasons to disallow their omnibus 10 objection to disallow or expunge my claim and --11 THE COURT: Okay, Mr. --12 MR. HORTON: -- I did --13 THE COURT: Hold on one second please, Mr. Horton. 14 MR. HORTON: Okay. 15 THE COURT: Mr. Rupp, I don't see Mr. Horton on the 16 list of matters for today. Do you know where the state of Mr. 17 Horton's claim and where it belongs? 18 MR. RUPP: Your Honor? Your Honor, Mr. Horton emailed 19 my KBK colleagues last night at 11:51 and that was forwarded to 20 me this morning. I've had just a moment to look at this email 21 and just a moment to check his prior proof of claim. I see 22 that he just filed a proof of claim through ECF, not through 23 Prime Clerk, claim number 453 which may be his response. 24 I'll note also that since he did not respond by the 25 deadline, we sought his claim to be disallowed through our

PG&E Corporation and Pacific Gas and Electric Company requests for default and the order was entered on Thursday, the 22nd, docket 10980, so the first I've heard from Mr. Horton was this morning.

THE COURT: Well, okay, Mr. Horton, based upon what Mr. Rupp said, my comment about there's nothing on the docket for today, that's true and so it would appear from what he said and I haven't checked it out either, I'm just hearing about this for the first time, your claim was disallowed because there was no timely response.

So my suggestion is you need to look into that and see if there's a basis for you to file a motion to revisit that disallowance but it's not something I can act on today because again, if you filed something by email yesterday or just filed something by way of a proof of claim, that's nothing we can act on. So I am not going to act one way or the other today, just it's a nonaction item and if you don't do something, then nothing will happen because the claim has been disallowed. If you believe the claim should be reconsidered or the disallowance vacated, you're free to ask me to do that, I just -- you can't ask me today.

I mean again, I'm not trying to be rude, I just can't act on it. So nothing is going to change today. Do you follow me?

MR. HORTON: Yes, sir, I -- I understand that. So the procedures to object to the ruling and the disallowance of this

PG&E Corporation and Pacific Gas and Electric Company 1 claim has to be filed again with the objection and requesting 2 that basically --3 THE COURT: Well, you're kind of mixing --4 MR. HORTON: -- (indiscernible). 5 THE COURT: -- you're mixing things a little bit. 6 Let's see if I can straighten it out --7 MR. HORTON: Okay. I'd like --8 THE COURT: -- based upon what Mr. Rupp said. 9 vou --10 MR. HORTON: Yep. 11 THE COURT: -- filed a claim at some point in the past 12 and the company filed an omnibus objection that it identified 13 your claim and the company in its omnibus objection and I'm not 14 even sure which one it was but you know which one it was --15 MR. HORTON: Yes, sir. 16 THE COURT: -- it said there is no liability for 17 whatever reason. There was no response, timely response from 18 you and so just a few days ago, I entered an order on the 19 company's request that disallowed your claim. So there we are 20 at that point. 21 Now that comes to the surface and you hear what they 22 say and you have rights to seek by a timely motion for me to 23 reconsider or you can ask the company if it will reconsider but 24 you must file a timely motion for the Court, me, for the Court

to reconsider the disallowance of your claim.

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PG&E Corporation and Pacific Gas and Electric Company
MR. HORTON: Okay.

THE COURT: As a practical matter, if you lay out a convincing argument to the company's lawyers, Mr. Rupp, maybe he will be persuaded to agree to set aside the disallowance and you don't have to do anything except go back to the claim but I am not going to say that that will happen. I'm just saying it might happen and the burden is on you to file a timely motion to reconsider the claim and explain -- and this is important, to explain why you didn't respond timely.

MR. HORTON: Okay.

THE COURT: In other words --

MR. HORTON: Yes, I did explain that in the email but I will go ahead and --

THE COURT: Okay. We can't -- I can't act just on an email you send to Mr. Rupp. So Mr. Rupp, I -- presumably you will be in touch with Mr. Horton to explain more thoroughly your position, so that he can -- may I assume that?

MR. RUPP: Yes, Your Honor. I expect to reach out to Mr. Horton in the next few days.

THE COURT: Okay. So Mr. Horton, again I am not in a position to be able to give you legal advice but let me tell you things like asking courts to reconsider have fairly tight time limits on it, so I would ask you to just -- and Mr. Rupp has assured me, as he just assured you, that he will be reaching out to you soon but I don't want to get bogged down on

PG&E Corporation and Pacific Gas and Electric Company what the definition of soon is.

You need to act quickly if you are so inclined. And again, I am not going to take -- I'm not going to speculate on the merits of your explanation because I don't -- I haven't had a chance to see what you filed. Okay? Got it?

MR. HORTON: Yes, sir.

THE COURT: Okay.

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MR. HORTON: I appreciate that, Your Honor and I'll be reaching out to Mr. -- how do you pronounce his name?

THE COURT: Rupp, R-U-P-P, Mr. Rupp.

MR. HORTON: Mr. Rupp. Okay and --

THE COURT: His name is on the papers that you saw in the omnibus objection.

MR. HORTON: Okay. And he does have my email and phone number, so I'll be reaching out to him and if we can't reach an amicable solution and reinstate this claim, then I will submit a motion to reconsider and have you review the facts.

19 THE COURT: Okay. All right. Thank you, Mr. Horton.

MR. HORTON: Yes, I appreciate it. Thanks.

21 THE COURT: Well, I appreciate your participation.

All right. Anyone else believe they should be heard today on -- all right. I'm going to conclude the matter then and thank everyone for participating and my staff for that and we will be resuming on another matter at 11 o'clock but for

PG&E Corporation and Pacific Gas and Electric Company now, we're going to conclude the hearing. MR. RUPP: Thank you, Your Honor. (Whereupon these proceedings were concluded at 10:21 AM) 

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I, Linda Ferrara, certify that the foregoing transcript is a true and accurate record of the proceedings.

Linda Ferrara

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9 /s/ LINDA FERRARA, CET-656

11 eScribers

12 7227 N. 16th Street, Suite #207

13 | Phoenix, AZ 85020

15 Date: July 29, 2021

Case: 19-30088 Doc# 10993 Filed: 07/29/21

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